

REMARKS

The January 14, 2009, Office Action stated that the information disclosure statement filed February 13, 2006, failed to comply with 37 CFR 1.98(a)(2), and that certain references had not been considered by the Examiner. A telephone conference with Examiner Paul Zarek confirmed that copies of several foreign patent and non-patent literature documents had not been forwarded to the USPTO from the International Search Authority.

Accordingly, the Appendix includes a courtesy copy of each document previously indicated as not considered by the Examiner. The Examiner is respectfully requested to consider the references and to return an initialed form PTO-1449 indicating the consideration of the references in the next Office communication.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional
fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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APPENDIX:

- copies of documents